

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Section
5 22-41 as follows:

6 (105 ILCS 5/22-41 new)

7 Sec. 22-41. School counseling, psychological, and social
8 work services; confidentiality.

9 (a) As used in this Section, "information of a personal
10 nature" does not include routine objective information related
11 to academic and career counseling.

12 (b) Any information of a personal nature disclosed by a
13 pupil 12 years of age or older in the process of receiving (i)
14 school counseling services, as defined in Section 10-22.24b of
15 this Code, from a school counselor or school counselor intern;
16 (ii) school psychological services, as defined in Section
17 14-1.09.1 of this Code, from a school psychologist or school
18 psychologist intern; or (iii) school social work services, as
19 defined in Section 14-1.09.2 of this Code, from a school social
20 worker or school social worker intern is confidential.

21 (c) Any information of a personal nature disclosed to a
22 school counselor or school counselor intern, a school
23 psychologist or school psychologist intern, or a school social

1 worker or school social worker intern by a parent or guardian
2 of a pupil who is 12 years of age or older and who is in the
3 process of receiving (i) school counseling services, as defined
4 in Section 10-22.24b of this Code, from a school counselor or
5 school counselor intern; (ii) school psychological services,
6 as defined in Section 14-1.09.1 of this Code, from a school
7 psychologist or school psychologist intern; or (iii) school
8 social work services, as defined in Section 14-1.09.2 of this
9 Code, from a school social worker or school social worker
10 intern is confidential.

11 (d) Information disclosed under subsection (b) or (c) of
12 this Section must not become part of the pupil's record without
13 the written consent of the pupil who disclosed the confidential
14 information to the school counselor or school counselor intern,
15 the school psychologist or school psychologist intern, or the
16 school social worker or school social worker intern. The
17 information must not be revealed, released, discussed, or
18 referred to, except as follows:

19 (1) Discussion with psychotherapists, other health
20 care providers, or the school nurse, for the sole purpose
21 of referring the pupil for treatment.

22 (2) Reporting of child abuse or neglect as required by
23 law.

24 (3) Reporting information to the principal or parents
25 of the pupil when the school counselor or school counselor
26 intern, the school psychologist or school psychologist

1 intern, or the school social worker or school social worker
2 intern has reasonable cause to believe that disclosure is
3 necessary to avert a clear, imminent risk of serious
4 physical or mental injury or disease or death being
5 inflicted upon the pupil who disclosed the confidential
6 information to the school counselor or school counselor
7 intern, the school psychologist or school psychologist
8 intern, or the school social worker or school social worker
9 intern or upon other persons in the school community, such
10 as administrators, teachers, school staff, parents,
11 pupils, and other school community members.

12 (4) Reporting information to one or more persons
13 specified in a written waiver of confidentiality, after
14 this written waiver is read and signed by the pupil and
15 preserved in the pupil's file.

16 (e) Notwithstanding any other provision of this Section, a
17 school counselor or school counselor intern, a school
18 psychologist or school psychologist intern, or a school social
19 worker or school social worker intern may not disclose
20 information deemed to be confidential pursuant to this Section
21 to the parents of the pupil when the school counselor or school
22 counselor intern, the school psychologist or school
23 psychologist intern, or the school social worker or school
24 social worker intern has reasonable cause to believe that the
25 disclosure would result in a clear and present danger to the
26 health, safety, or welfare of the pupil.

1 (f) Notwithstanding any other provision of this Section, a
2 school counselor or school counselor intern, a school
3 psychologist or school psychologist intern, or a school social
4 worker or school social worker intern shall disclose
5 information deemed to be confidential pursuant to this Section
6 to law enforcement agencies when ordered to do so by order of a
7 court of law or when ordered to testify in an administrative or
8 judicial proceeding by order of a court of law.

9 (g) Nothing in this Section shall be deemed to limit access
10 to a pupil's records. Nothing in this Section shall be deemed
11 to limit the school counselor or school counselor intern, the
12 school psychologist or school psychologist intern, or the
13 school social worker or school social worker intern from
14 conferring with other school staff, as appropriate, regarding
15 modification of the pupil's academic program.

16 (h) It is the intent of the General Assembly that
17 counselors use the privilege of confidentiality under this
18 Section to assist the pupil whenever possible to communicate
19 more effectively with parents, school staff, and others.

20 (i) Except in cases of willful or wanton misconduct, no
21 person required by this Section to keep information discussed
22 confidential may incur any civil or criminal liability as a
23 result of keeping that information confidential.

24 Section 90. The State Mandates Act is amended by adding
25 Section 8.31 as follows:

1 (30 ILCS 805/8.31 new)

2 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 95th General Assembly.